



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 13, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception – automobile sales and service facility at 6210 East Virginia Beach Boulevard – Royal Auto Sales**

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:

Marcus D. Jones, City Manager

Item Number:

R-3

- I. **Staff Recommendation:** Denial.
- II. **Commission Action:** By a vote of **0 to 6**, the Planning Commission recommends **Denial**.
- III. **Request:** Special Exception – automobile sales and service facility.
- IV. **Applicant:** Necip (Nick) Gulben
- V. **Description:**
 - This request would allow a new business, Royal Auto Sales, to operate an automobile sales and service facility at this site.
 - The special exception process may impose conditions and limitations concerning use, construction, operation, character, location, landscaping, and screening as necessary to minimize the impact of the use upon the adjacent neighbors and to comply with adopted plan objectives.
 - The site is severely handicapped by its small size, access, and the presence of both a large office building and a communication tower.
 - The applicant is unable to make sufficient landscaping and parking improvements to the site to allow the operation of an automobile sales and service facility.

	Proposed
Hours of Operation	8:00 a.m. until 10:00 p.m., Seven days a week

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated December 11, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

December 11, 2014

From: Chris Whitney *CW*
City Planning Technician

Subject: Special exception to operate
an automobile sales and service
facility at 6210 East Virginia Beach
Boulevard – **Royal Auto Sales**

Reviewed: Leonard M. Newcomb III, CFM *L. M. N. III*
Land Use Services Manager

Ward/Superward: 4/7

Approved: *601* *George M. Newcomb III*
George M. Homewood, AICP, CFM
Planning Director

Item Number: 9

I. Recommendation:

Staff recommends denial, due to the applicant's refusal to meet recommended development standards necessary to ensure compliance with the objectives of the *Zoning Ordinance* and adopted plans. While staff recommends denial, proposed conditions are attached should the Planning Commission wish to recommend approval.

II. Applicant: Necip (Nick) Gulben

III. Description:

This request would allow a new business, Royal Auto Sales, to operate an automobile sales and service facility at this site.

IV. Analysis

- The site is located on the north side of East Virginia Beach Boulevard within the Hollywood Homes/Maple Hall neighborhood.
 - This portion of East Virginia Beach Boulevard is comprised predominately of commercial and institutional uses.

Plan Analysis

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* includes an action calling for the city to work to bring existing automobile sales establishments into compliance with applicable codes, with an emphasis on buffering, landscaping, and parking.
 - In order to be fully consistent with *plaNorfolk2030*, improvements should be made to this site to bring it closer to compliance with applicable codes.

Zoning Analysis

- The site is zoned C-2 (Corridor Commercial) which permits the proposed use by special exception.
- The adjacent parcels are zoned C-2 and used predominantly as automobile sales and service facilities.
- The site is currently developed with a commercial communication tower and has been previously occupied by office uses.
- The special exception process may impose such conditions and limitations concerning use, construction, operation, character, location, landscaping, and screening as necessary to minimize the impact of the use upon the adjacent neighbors and to comply with adopted plan objectives.
- Staff recommended that the site be improved with landscaping buffers along East Virginia Beach Boulevard and side yards.
 - The applicant declined to make all of the proposed improvements to the site.

	Proposed
Hours of Operation	8:00 a.m. until 10:00 p.m., Seven days a week

- Special exception history:

City Council Approval	Applicant	Changes
1999	John Harris	Commercial communication tower
Pending	Necip (Nick) Gulben	New operation – automobile sales and service

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 181 new vehicle trips per day.
- Based upon ITE data, the prior office use on this site would be expected to generate 96 weekday trips while the proposed new automobile sales establishment would be expected to generate 277 trips on weekdays.

Parking Analysis

- The current parking regulations for an automobile sales and service facility within a Suburban Character District requires one parking space per 500 square feet of enclosed building area plus three parking spaces per bay.
- The applicant proposes to use only 3,398 square feet and two bays of the 8,311 square foot total.
 - That would require 13 parking spaces, and the site contains 17 spaces.

V. Financial Impact

The applicant is current on all real estate taxes.

VI. Environmental

- In order to bring the site into compliance with the landscape requirements of the *Zoning Ordinance*, a six foot wide landscape buffer would be required along all interior property lines and a ten foot wide buffer would be required along the property's frontage.
- The site is located in a commercial corridor and the use should have little adverse impact on the surrounding uses, if site improvements are made.

VII. Community Outreach/Notification

- Legal notice was posted on the property on November 4.
- Letter was sent to the Hollywood Homes/Maple Hall Civic League on November 24.
- Letters were mailed to all property owners within 300 feet of the property on November 26.
- Legal notification was placed in *The Virginian-Pilot* on November 27 and December 4.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning, the Department of Recreation, Parks and Open Space, the Department of Public Works – Transportation Division, and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' radii map of similar auto sales and service establishments
- Application
- Landscape plan
- Letter to the Hollywood Homes/Maple Hall Civic League
- Letter of Opposition from the Hollywood Homes/Maple Hall Civic League

Proponents and Opponents

Proponents

Necip Gulben – Applicant
4918 Virginia Beach Boulevard
Virginia Beach, VA 23462

John Harris, Sr.
9618 Bay Point Drive
Norfolk, VA 23518

John W. Harris, Jr.
3840 Bay Oaks Place
Norfolk, VA 23518

Opponents

None

Form and Correctness Approved: 

Contents Approved: CW

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT KNOWN AS "ROYAL AUTO SALES" ON PROPERTY LOCATED AT 6210 EAST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile Sales and Service establishment known as "Royal Auto Sales" on property located at 6210 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 129 feet, more or less, along the northern line of East Virginia Beach Boulevard, beginning 99 feet, more or less, from the eastern line of Kempsville Road, and extending eastwardly; premises numbered 6210 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 10:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) A landscaping plan showing landscaped buffers no less than 10 feet in width along all that portion of the lot fronting East Virginia Beach Boulevard and no less than six (6) feet wide between the parking lot and any abutting property lines shall be provided to the Department of City Planning and the Department of Recreation, Parks and Open Space for review.

- (c) Landscaping shall be installed and maintained in accordance with the proposed plan attached hereto and marked as "Exhibit A", subject to any adjustments or additions required to be made during the review process set forth in condition (b), above.
- (d) Only one vehicular access driveway shall be permitted along East Virginia Beach Boulevard.
- (e) Landscaping shall be installed at the base of any freestanding sign in accordance with the provisions of section 16-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The landscaping shall be maintained at all times.
- (f) Notwithstanding any other regulations pertaining to temporary window signage in Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor shall remain transparent as defined in the Zoning Ordinance.
- (g) There shall be no signage, flags or banners visible from any public right-of-way affixed to the automobiles being displayed for sale.
- (h) All nonconforming signs on the site shall be removed.
- (i) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (j) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (k) The parking lot shall be striped in accordance with proposed site plan attached hereto and marked as "Exhibit A", subject to any adjustments that may be necessary to accommodate the installation of landscaping required in condition (b), above.
- (l) No parking of any vehicles used for storage, display, or offered for sale or resale shall be permitted anywhere on the property other than in

those areas identified as "inventory parking" on the proposed site plan attached hereto and marked as "Exhibit A".

- (m) All bollards on the site shall be painted and maintained free of visible corrosion.
- (n) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (o) Any dumpster on the property shall be gated, not visible from any public right-of-way, and screened with masonry walls that complement the existing building.
- (p) A hazardous materials management plan detailing the methods to be employed in order to mitigate the infiltration of petroleum-based materials or waste associated with the repair work being conducted on the property into groundwater or surface waters shall be prepared and submitted to the Department of Planning. Once approved, the plan shall be fully and continuously implemented.
- (q) The establishment shall maintain a current, active business license at all times while in operation.
- (r) No business license shall be issued until conditions (b), (c), (d) and (h), above, have all been complied with in their entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is

located;

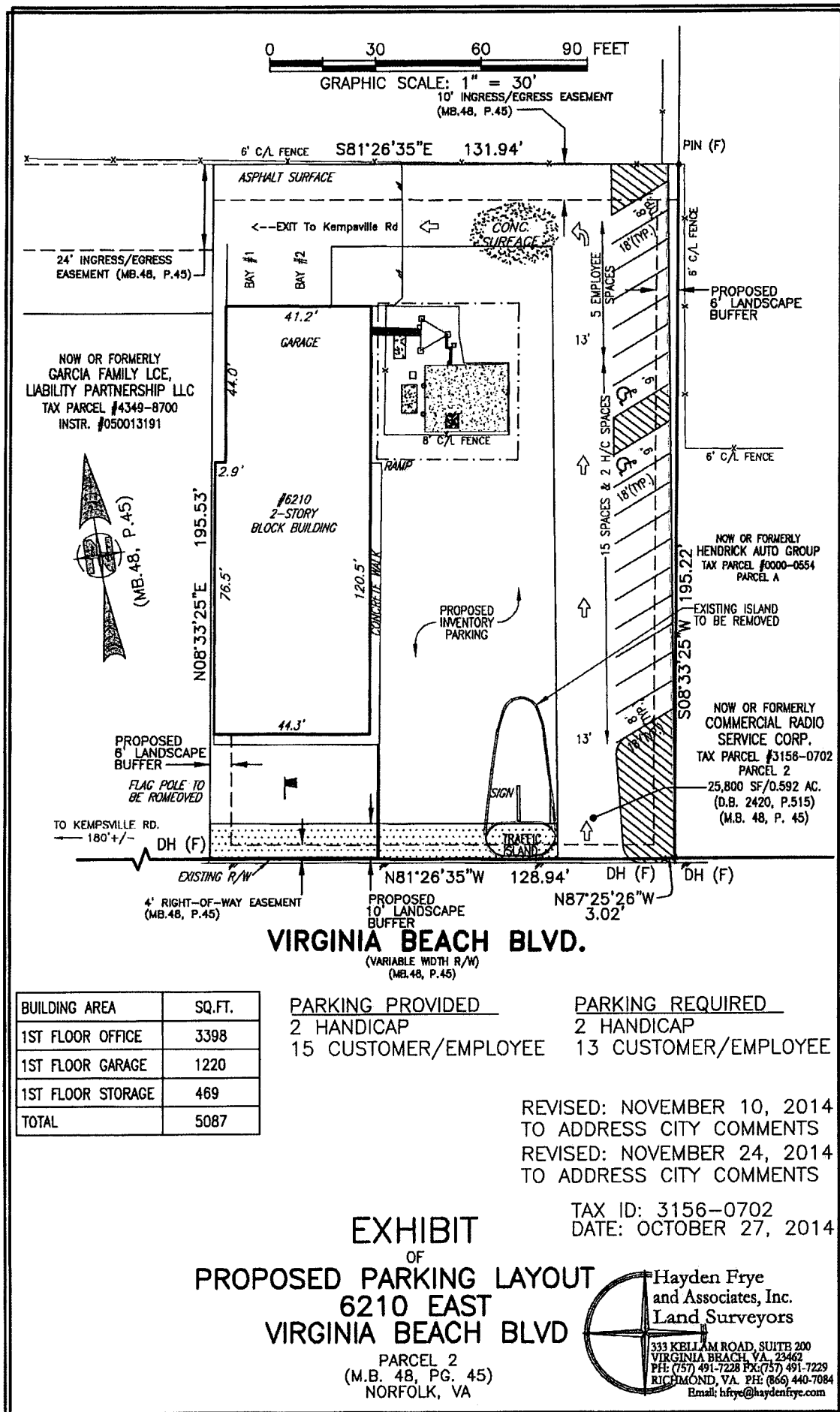
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be

recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)



Royal Auto Sales
6210 East Virginia Beach Boulevard
Conditions

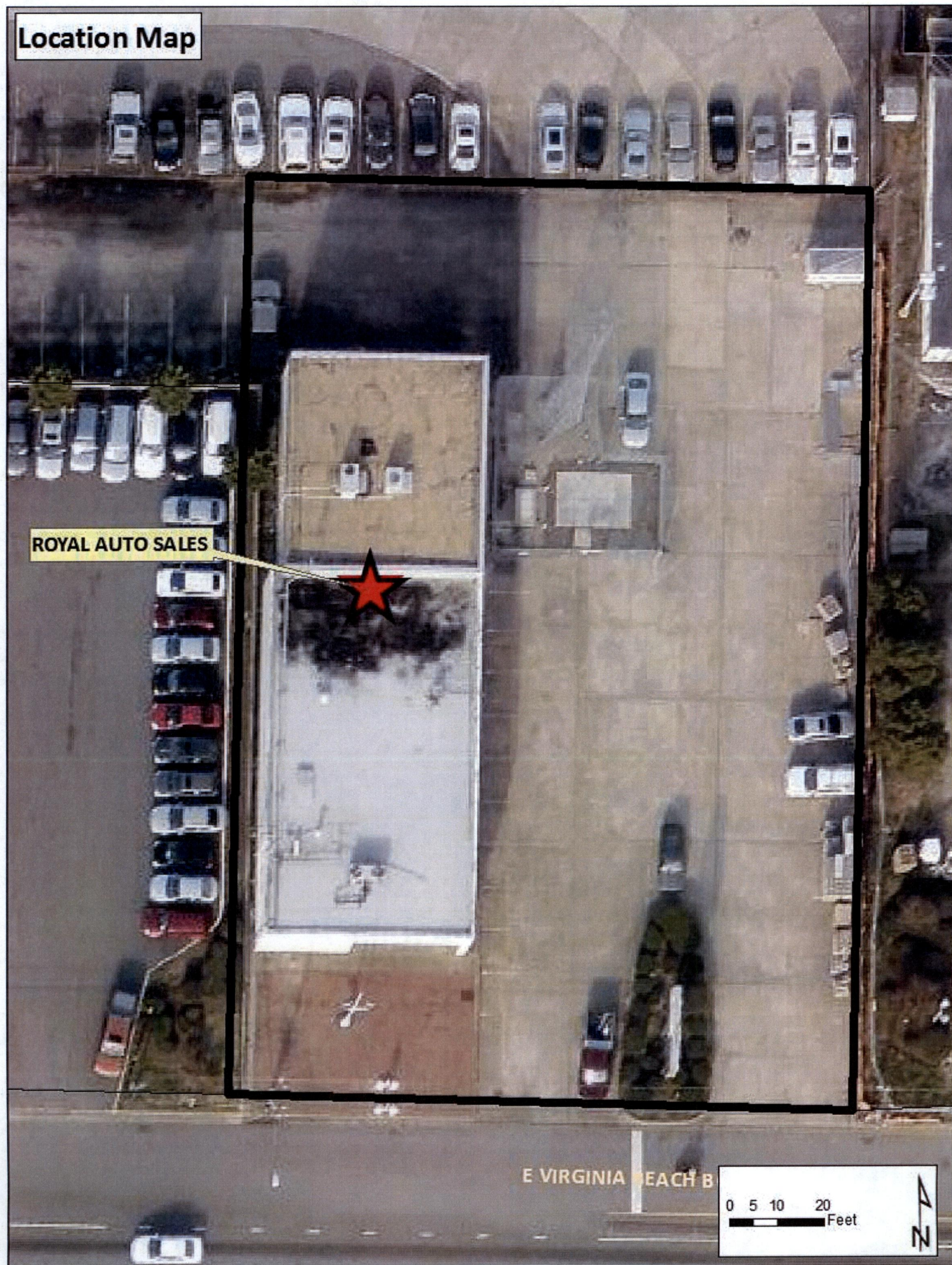
- (a) The hours of operation for the facility shall be from 8:00 a.m. until 10:00 p.m., seven days a week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Landscaping shall be installed and maintained in accordance with the landscape plan attached hereto and marked "Exhibit C."
- (c) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended).
- (d) Only one driveway shall be permitted on East Virginia Beach Boulevard, as shown in "Exhibit B."
- (e) Notwithstanding any other regulations pertaining temporary window signage within Chapter 16 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended), no more than 15% of the ground floor window and glass door area of the business may be covered by either permanent or temporary window signs.
- (f) There shall be no signage legible from any public right-of-way on, in, or near the vehicles being displayed for sale.
- (g) All nonconforming fences and signs on the site shall be removed.
- (h) No razor wire or barbed wire shall be permitted on the site.
- (i) Test driving of the vehicles shall not occur within the neighborhood located to the north of the site.
- (j) The parking lot shall be striped in accordance with attached site plan.
- (k) All storage, display and parking of vehicles shall adhere to the parking and circulation plan, as prepared by Hayden Frye and Associates, Inc., dated November 24, 2014, attached hereto and marked as "Exhibit B."
- (l) No vehicle associated with this facility shall be parked or anyway otherwise displayed within any sight triangle, public right-of-way or on any unimproved surface.
- (m) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (n) All repair work shall be done inside the building. No repair work may take place outside.

- (o) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (p) All bollards on the site shall be painted and maintained free of visible corrosion.
- (q) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (r) Any dumpsters on site shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing building.
- (s) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (t) The property shall be kept in a clean and sanitary condition at all times.
- (u) No business license shall be issued until conditions (b), (d), and (g) have all been implemented fully on the site.
- (v) The facility shall maintain a current, active business license at all times while in operation.

Print Name: _____

Sign: _____ Date: _____

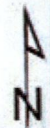
Location Map



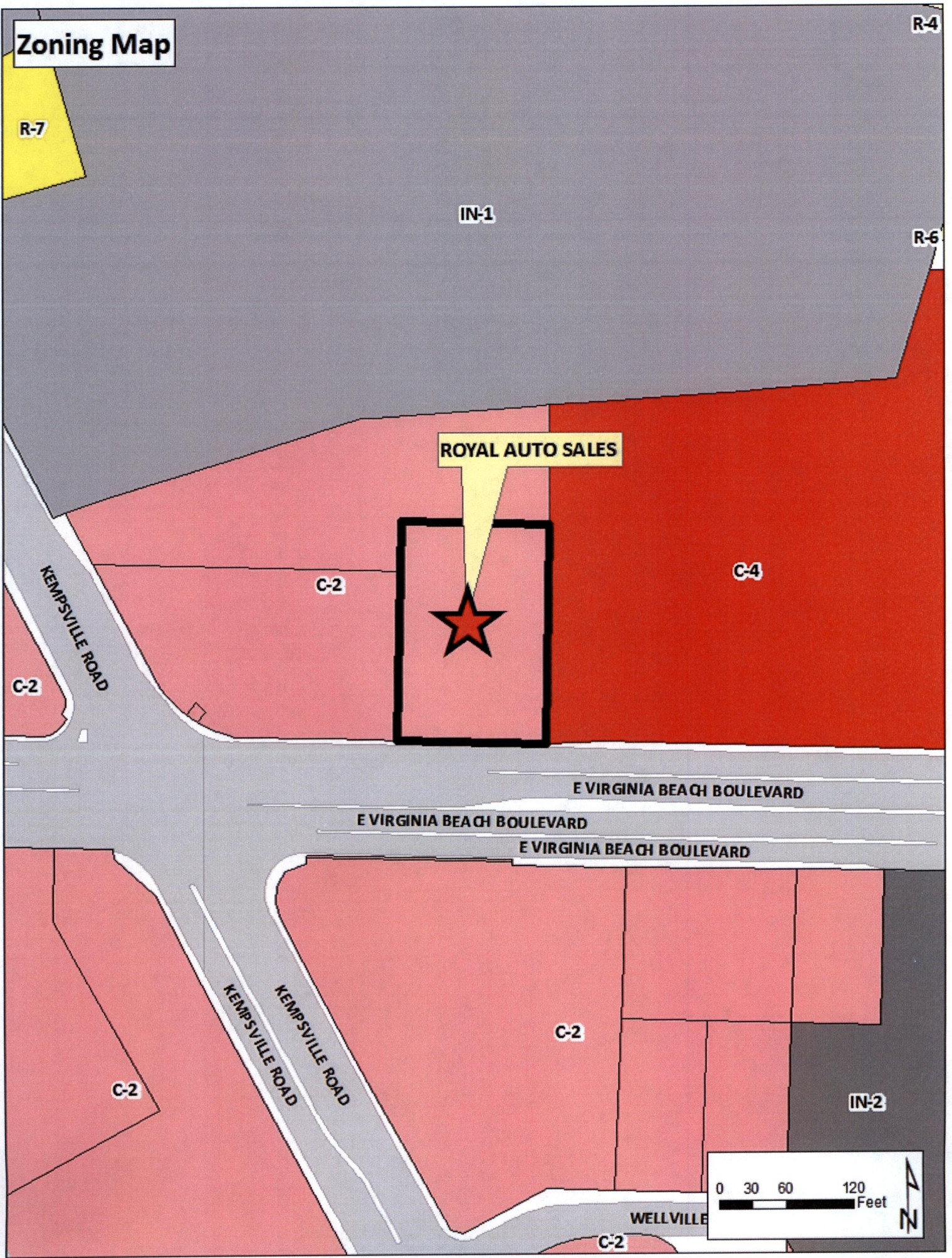
ROYAL AUTO SALES

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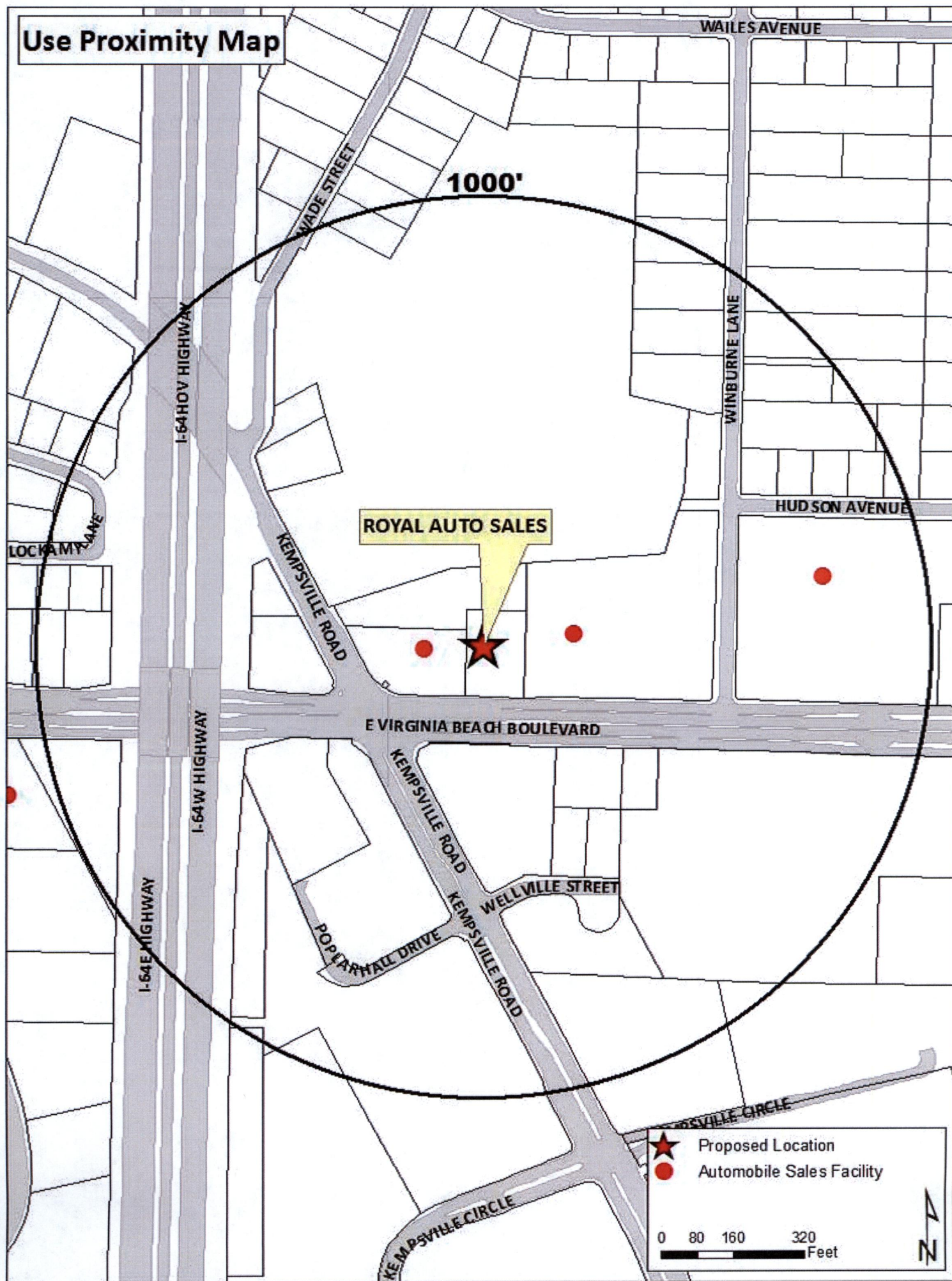
0 5 10 20
Feet



Zoning Map



Use Proximity Map





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Auto Sales and Service

Date of application: 10.27.14

DESCRIPTION OF PROPERTY

Property location: (Street Number) 6210 (Street Name) E. Virginia Beach Blvd

Existing Use of Property Office and Communications

Current Building Square Footage 8311

Proposed Use Car Sales

Proposed Square Footage 8311

Proposed Hours of Operation:

Weekday From 8 am To 10 PM.

Friday From 8 am To 10 PM.

Saturday From 8 am To 10 PM.

Sunday From 8 am To 10 pm

Trade Name of Business (If applicable) Royal Auto Sales

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Necip (Nick) (First) Gulben. (MI) -

Mailing address of applicant (Street/P.O. Box): 1033 Tottenham Ln.

(City) Virginia Beach (State) VA (Zip Code) 23454

Daytime telephone number of applicant (757) 515-5127 Fax number (757) 502-8604

E-mail address of applicant: neicipgulben@hotmail.com.

2. Name of property owner: (Last) Harris (First) John (MI) W.

Mailing address of property owner (Street/P.O. box): P.O. Box 14025

(City) Norfolk (State) VA (Zip Code) 23518

Daytime telephone number of owner (757) 238-2629 Fax number ()

CIVIC LEAGUE INFORMATION

Civic League contact: Hollywood Homes / MAPLE HALL

Date(s) contacted:

Ward/Super Ward information: WARD 4, WARD 7

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: John W. Harris, Jr. Sign: [Signature] 10/27/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: Neip Gulben Sign: [Signature] 10/27/2014
(Applicant or Authorized Agent Signature) (Date)

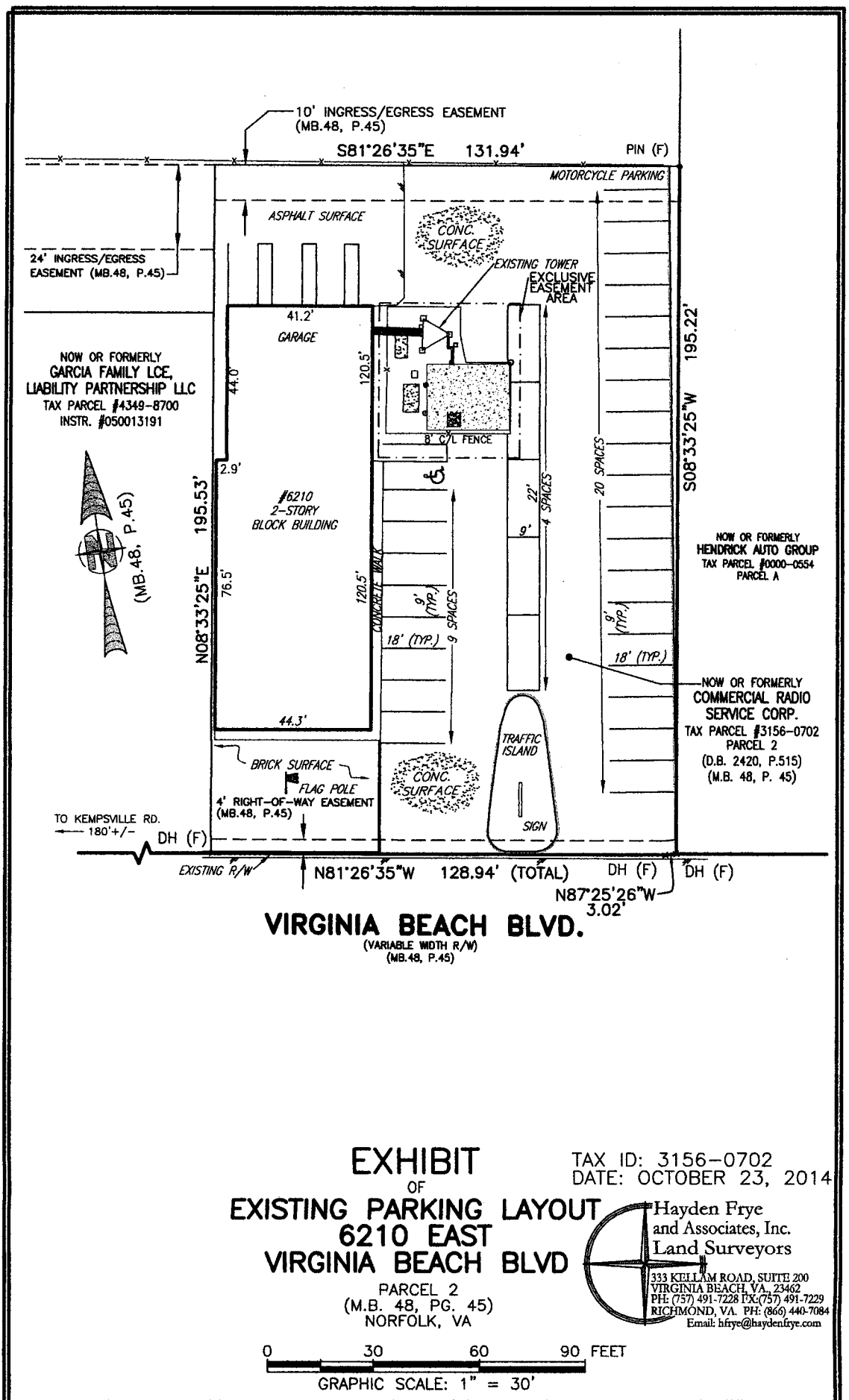
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

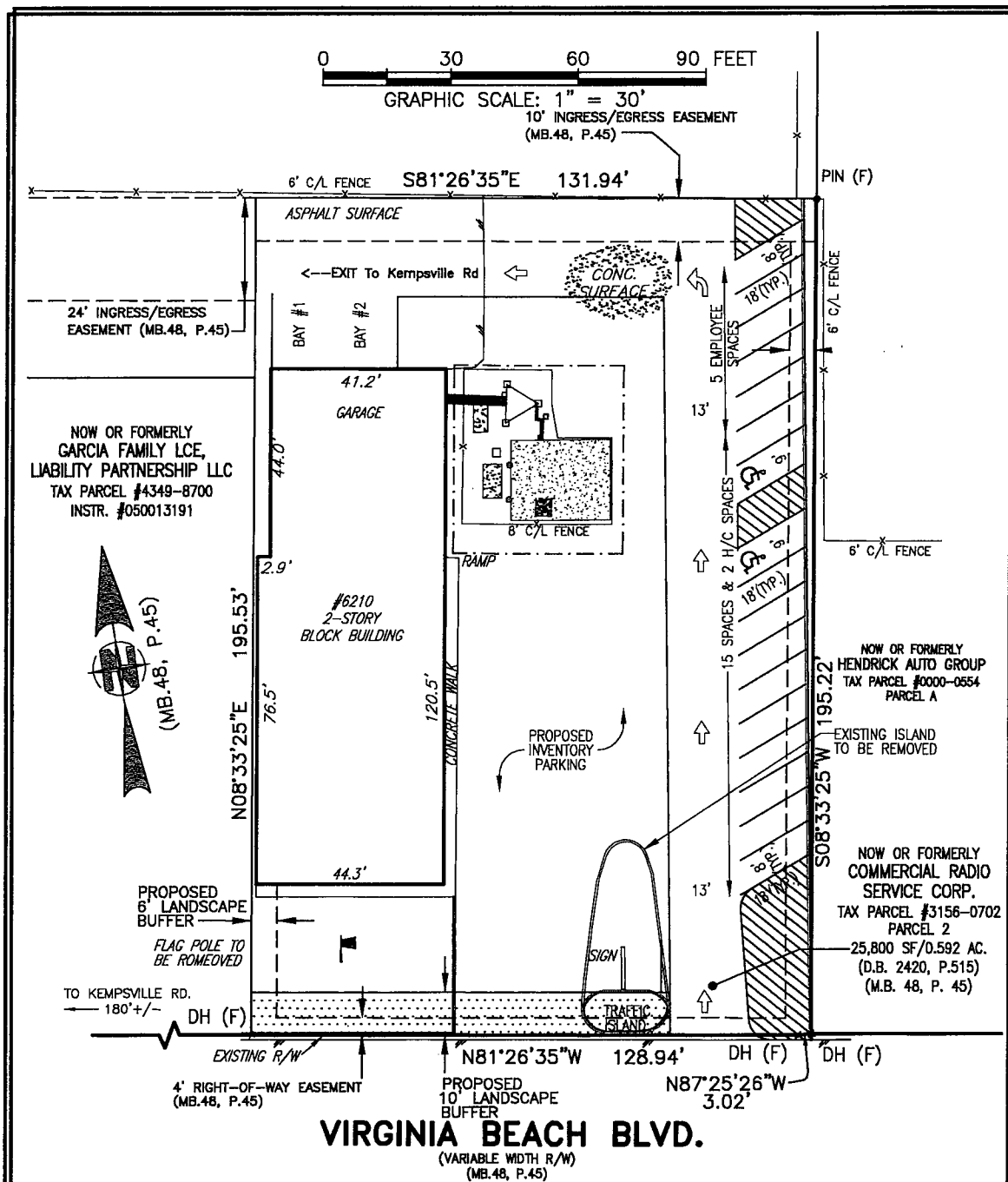
810 Union Street, Room 508

Norfolk, Virginia 23510

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(Revised July, 2013)





BUILDING AREA	SQ.FT.
1ST FLOOR OFFICE	3398
1ST FLOOR GARAGE	1220
1ST FLOOR STORAGE	469
TOTAL	5087

PARKING PROVIDED

2 HANDICAP
15 CUSTOMER/EMPLOYEE

PARKING REQUIRED

2 HANDICAP
13 CUSTOMER/EMPLOYEE

REVISED: NOVEMBER 10, 2014
TO ADDRESS CITY COMMENTS
REVISED: NOVEMBER 24, 2014
TO ADDRESS CITY COMMENTS

TAX ID: 3156-0702
DATE: OCTOBER 27, 2014

EXHIBIT OF PROPOSED PARKING LAYOUT 6210 EAST VIRGINIA BEACH BLVD

PARCEL 2
(M.B. 48, PG. 45)
NORFOLK, VA



Hayden Frye
and Associates, Inc.
Land Surveyors

333 KELLAM ROAD, SUITE 200
VIRGINIA BEACH, VA, 23462
PH: (757) 491-7228 FX: (757) 491-7229
RICHMOND, VA. PH: (866) 440-7084
Email: hfrye@haydenfrye.com

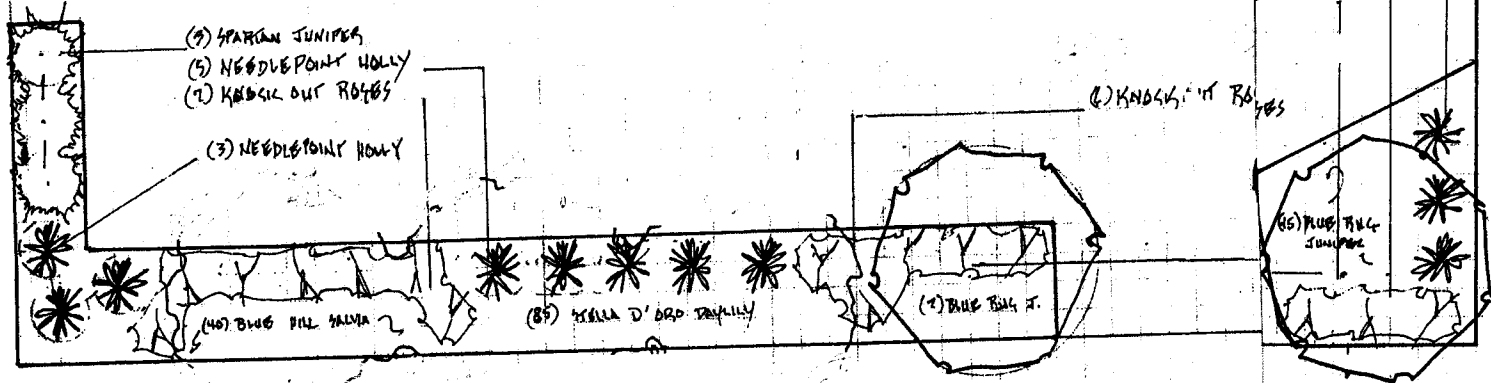
LANDSCAPE PLAN
OF
6210 EAST
VIRGINIA BEACH BLVD

WEDGWOOD
GARDEN CENTER
DESIGNED BY:
MARK KONTOVICH
(757) 291-4773

1" = 30'

BUILDING
#6210

PARKING LOT



VIRGINIA BEACH BLVD.



City of NORFOLK

November 24, 2014

Bruce Erie
President, Hollywood Homes/Maple Hall Civic League
6323 Adair Avenue
Norfolk, VA 23502

Dear Mr. Erie,

The Planning Department has received an application for a special exception to operate an automobile sales and service facility at 6210 E. Virginia Beach Boulevard. This item is tentatively scheduled for the December 11, 2014 City Planning Commission public hearing.

Summary

This request would allow a new business, Royal Auto Sales, to operate an automobile sales and service facility at this site.

	Proposed
Hours of Operation	8:00 a.m. until 10:00 p.m., Seven days a week

If you would like additional information on the request, you may contact the property owner, John Harris, Jr., at (757) 362-3457 or you may contact me at chris.whitney@norfolk.gov, or (757) 823-1253. A copy of the complete application is enclosed.

Sincerely,

Chris Whitney,
City Planning Technician

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761

Maple Hall and Hollywood Homes Civic League

December 10, 2014

Department OF Planning & Community Development

810 Union Street, Room 508

Norfolk, Virginia 23510

Re: City of Norfolk, Dept. of Planning application for special exception to operate an Automobile Sales and Service Facility at 6210 E. Virginia Beach Blvd.

Dear Mr. Whitney,

Thank you for allowing the Maple Hall and Hollywood Homes Civic League the opportunity to voice our opinion about the special exception petition for Royal Auto Sales. We have watched this property along with a few others over the years and wondered what kind of business would be good for the neighborhood. We held our monthly meeting on December 04, 2014 and this matter about the special exception petition was brought up for a vote.

Prior to the meeting I had spoken with Mr. John Harris about what his plans were for the property. Mr. Harris explained he had received three offers from buyers for this property, and two changed their minds. The current prospect wants to put a used car sales and service business at this location. He wants it operating seven days per week.

After much discussion a few points of concern were noted. First, there is the increase in traffic to the corner of Virginia Beach Boulevard and Kempsville Road. Second is the ability of people to get in and out of this location to use this business. I spoke with the managers of Drive Time Auto and Rick Hendricks' Chevrolet and they were not aware of this business wanting to operate in this area. The third concern is the local traffic brought inside the neighborhood from people driving the cars for a test run which would not be good, as we already have that problem with the existing automobile businesses. The Norfolk Police Dept. has been called many times regarding this problem. A vote was taken by the attending members of the civic league and the outcome was 27-0 that we do not allow this business to be operated in our neighborhood. We hope that special exception for Royal Auto Sales will be denied.

I explained to Mr. Harris I have been the President of our Civic League for 14 years with one year off for surgery and the point of contact on their application has been deceased for two years. When I inquired where the name and phone number and email on the application came from, no one could answer. I spoke with Mrs. Oneiceia Howard, Senior Neighborhood Development Specialist, and Mr. Chris Whitney, City Planning Technician on December 01, 2014. They said my name and number are the only ones found on file as the point of contact for the Maple Hall and

Hollywood Homes Civic League. We are concerned that this business purposefully tried to bypass our input by sending the information to the wrong address. Hopefully, this was not the case.

At any rate, we would appreciate the Planning Dept. taking our opinion very seriously when considering this situation.

Respectfully,

Bruce K. Erie

Bruce K. Erie, President

Hollywood Homes and Maple Hall Civic League

6323 Adair Avenue

Norfolk, VA 23502

Bruce.erie@cox.net

757-404-2051